IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 35104 of 2007(D)

PETITIONER:

PAULSON, S/O.KANDAMKULATHY JOHN,
S.N.NAGAR, IRINJALAKUDA, MUKUNDAPURAM TALUK.

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, THRISSUR.

2. THE VILLAGE OFFICER, PULLUR VILLAGE
PULLIUR POST, IRINJALAKUDA VIA.

3. THE MURIYAD GRAMA PANCHAYAT
REPRESENTED BY THE SECRETARY.

R1 BY GOVT. PLEADER MR. K.J. MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C)No. 35104 OF 2007-D

DATED THIS THE 19th December , 2007

J U D G M E N T

The learned Government Pleader on the basis of the written instructions imparted to him by the Village Officer submits that as per all basic records maintained in the village office, the property in question is nilam and therefore, the petitioner is not entitled to construct the building without permit under the Land Utilisation Order. But I am convinced on the basis of the submissions made by Mr. Manoj. T.N., learned counsel for the petitioner, and various documents which have been placed on record that the ground reality as of now is that the property has been reclaimed long ago as garden land and that there are yielding coconut trees standing on the properties. Since the records placed on record as well as the photographs which have been submitted across the Bar reveals the reality that the property has been reclaimed long ago and that the same is now garden land, the petitioner's request to construct a residential building for himself on the property the extent of which is only 8 cents should be considered. I am of the view that the permit application filed by the petitioner will have to be accepted by the third respondent taking into account the ground reality that the property

has been reclaimed as garden land long ago. Therefore, I dispose of this writ petition directing the third respondent to receive Exts.P4 application to file and pass orders on the same ignoring the nomenclature of the land in the basic records as paddy field. Orders as directed above will be passed at the earliest and at any rate within one month of receiving a copy of this judgment. A copy of the photograph will be placed on record. The writ petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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